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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/965,858

10/01/2001

Harue Amano

XA-8836A

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7590

03/24/2005

MILES & STOCKBRIDGE PC
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MCLEAN, VA 22102-3833

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,858

Applicant(s)

AMANO, HARUE

Examiner

LUONG T NGUYEN

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6-13, 15-17 and 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 14 is/are rejected.
- 7) ☒ Claim(s) 5 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/993,984.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Note that this application has been transferred to Examiner Luong Nguyen.

Election/Restrictions

2. Applicant's election of Species of Figure 5 on which claims 1, 5, 14, 18 are readable in the reply filed on 10/27/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Claims 2-4, 6-13, 15-17, 19-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/27/2004.

Priority

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/993,984, filed on 12/18/1997.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 10/01/2001, which enclosed a copy of form PTO-892 from the parent Application No. 08/993,984, is being considered by the

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examiner. However, it is noted that there is no Information Disclosure Statement, Form PTO – 1449, as the Applicant indicated in the Utility Patent Application Transmittal, in the file.

Drawings

6. The drawings are objected to because of the following informalities:

In Figure 11, element 32, “Optical-Ma Recording” should be changed to --Optical-Magnetic Recording Medium--.

In Figure 14, element 32, “Optical-Magn Recording Medi” should be changed to --Optical-Magnetic Recording Medium--.

In Figure 16, element 32, “Optical-M Recording M” should be changed to --Optical-Magnetic Recording Medium--.

In Figure 18, element 32, “Optical-Ma Recording Medi” should be changed to --Optical-Magnetic Recording Medium--.

In Figure 20, element 32, “Optical-Magneti Recording M” should be changed to --Optical-Magnetic Recording Medium--.

In Figure 22, element 32, “Optical-Magnetic Recording Mediu” should be changed to --Optical-Magnetic Recording Medium--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 1, 5, 18 are objected to because of the following informalities:

Claim 1 (line 5), "the image playback means" should be changed to --the medium playback means--.

Claim 18 (line 2), "the time period" should be changed to --the time periods--.

Claim 5 is objected as being dependent on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yonemitsu et al. (U. S. Patent No. 5,903,705).

Regarding claim 1, Yonemitsu et al. discloses an image playback device comprising a medium playback means (player 30, Figure 2, Column 4, Lines 15-34) which reads out recorded information (multiplexed data from multiplexing 4, Figure 2, Column 4, Lines 39-41) that has been recorded on a recording medium (recording medium 20, Figure 2, Column 4, Lines 15-20); a time period discriminating means (control circuit, Figure 2) which receives the recorded information read out by the image playback means (control circuit 34 readout territory code on recording medium 20, Figure 5, Step S101, Column 9, Lines 1-20) and discriminates periods of time during which the recorded information agrees with at least one pre-set condition (control circuit 34 compares the allowable period data, which is in association with the territory code which included in the multiplexed data, to the absolute time (one pre-set condition), that is date, from calendar generator 38, if it is found that the absolute time is included in the time period indicated by the allowed period data on the disc, the disc is judged to be authorized for reproduction, Figure 5, Step S103, Column 9, Lines 33-45, and see abstract); and a playback display means which plays back and displays moving-picture image information contained in the recorded information in accordance with the results of the time period discriminating discrimination performed by the means (the multiplexed data is reproduced from the recording medium 20 by a reproducing apparatus, and entered to decoding unit 30, the decoder 33 decodes picture data recorded on recording medium 20, the decoded picture data is sent to a display device at the output terminal 35, Figure 2, Column 6, Lines 4-8, Column 7, Lines 5-39).

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Claim 14 is a method claim of apparatus claim 1, therefore, sees examiner's comments regarding claim 1.

Allowable Subject Matter

10. Claims 5, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the prior art of the record fails to show or fairly suggest an image playback device comprising wherein the time period discriminating means includes a movement detection means which receives moving-picture image information from the recorded information read out by the medium playback means, and detects movement vectors between moving-picture frames; and a panning discriminating means which discriminates panning periods from the movement vectors detected by the movement detection means; and wherein the playback display means acquires the panning periods discriminated by the panning discriminating means, and plays back and displays moving-picture image information contained in the recorded information only during the panning periods or during time periods other than the panning periods.

Claim 18 is a method claim of apparatus claim 5, therefore the method claim 18 is allowable for the reason given in the apparatus claim 5.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kamogawa et al. (U. S. Patent No. 5,631,710) discloses television system containing a video compact disk reproducer.

Nakajima et al. (U. S. Patent No. 5,754,728) discloses fast video browsing system.

Nitta et al. (U. S. Patent No. 5,841,938) discloses data reproducing method and data reproducing apparatus.

Herz (U. S. Patent No. 5,881,202) discloses variable speed playback of digital video stored in a non-tape media.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297 or (571) 272- 7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929 or (571) 272- 7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
3/19/05



LUONG T. NGUYEN
PATENT EXAMINER